



Legislation Text

File #: ZONE-23-0010, **Version:** 1

A zone change relating to 3.53 acres from PBC/cr (Planned Business Center with conditions of record) to PBC (Planned Business Center [to be known as MX-M (Mixed Use Medium Scale)]) located at the southwest intersection of Roller Coaster Road and North Gate Boulevard.

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Summary:

Owner

/ Developer: Barclay Group - Colby Fincham

Representative: Galloway US - Heather Vidlock

Location: Southwest intersection of Roller Coaster Road and North Gate Boulevard

The subject property requests a rezone to PBC (Planned Business Center) in conformance with the provisions of the current zoning code, known as Chapter 7. On February 14, 2023, the City Council adopted the Unified Development Code (herein referenced as UDC). The UDC shall become effective on June 5, 2023. One aspect of the UDC includes renaming and consolidating several existing zone districts. The PBC zone district as it exists in Chapter 7 will convert to a district to be known as MX-M (Mixed-Use Medium Scale). In recognition of the UDC adoption and an effort to continue processing rezoning applications prior to the effective date of the UDC, where the requested zone district will transition to a new district name under the UDC Planning staff shall reference both the Chapter 7 and the UDC district names.

Background:

Staff received an administrative development plan application in mid-2022 that included the 3.53-acre parcel and the 17.27-acre vacant parcel immediately east of Roller Coaster Road. This development plan illustrates several commercial uses including multi-tenant buildings, standalone retail, and a grocery store. While the entire 20.8 acres appears to be the PBC zone district, staff confirmed that the 3.53-acre project site was established as a separate district, established by separate ordinance with conditions of record. The condition of record established at the time of rezoning in 2006 limits the use of the property to religious institutions and accessory educational uses only.

In review of the public hearing record from 2006, staff finds that the condition of record was a voluntary restriction by the property owner at that time and not one requested by the surrounding neighborhood. The ordinance was heard twice on the consent calendar prior to adoption. In some instances, voluntary zoning restrictions are proposed when the property owner has a specific user in mind and will tailor their zone district to support the needs of that user. In this case the site has remained undeveloped since it was zoned, and the owner requests a reconsideration of the condition of record.

The rezoning request would remove the condition of record, thus allowing all uses permitted in the PBC (to be known as MX-M) on the subject parcel. The zone change is supported by the administrative development plan application reviewed concurrently with this request. The requested rezone will, in effect, bring the entire 20.8 acres under the same zone district classifications to support the proposed commercial development.

While staff received some comments on the development plan that covers the project site, those comments were limited to the uses proposed on the larger property, not the 3.53 acre parcel to the west. We find that the request to rezone the property to remove the condition of record limiting the use of the site satisfies the zone change review criteria and is complimentary to the surrounding land uses.

Staff finds that the zone change review criteria are satisfied.

Staff has evaluated the proposed project for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"), adopted in January 2019. According to the PlanCOS Vision Map, the project site is identified as a Newer Developing Neighborhood (**see "PlanCOS Vision Map" attachment**). The proposed rezone reinforces the Life and Style typology as noted in Chapter 4 of PlanCOS. As stated in the plan, *"the goal of (the Life and Style typology) is to meet the daily needs of residents and businesses with high quality, varied and easily accessible options"*. The location of the project site is suited to the needs of the housing nearby providing opportunities for future commercial and mixed-use development. The property's proximity to Highway 83 and North Gate Boulevard adds a regional connectivity element to the project, providing convenient access to the greater community.

In the Vibrant Neighborhoods chapter, PlanCOS recognizes that integration of mixed use development in neighborhoods support the creation of vibrant neighborhoods. Specifically, Goal VN-3 suggests that empowering neighborhoods to address their specific vision and needs support vibrant neighborhoods. In the context of this development, there are only a few commercial opportunities in the Flying Horse/Northgate neighborhood. As mentioned above, the development plan includes plans to build a grocery store immediately across the street from the project area. The development plan indicates that the 3.53 acre parcel of this rezone will support a mix of neighborhood commercial and retail tenants.

The Flying Horse Master Plan is deemed implemented, as determined by City Council on February 14, 2023. An implemented master plan is defined as a plan that is "eighty-five percent (85%) or more built out and remaining vacant land is zoned in conformance with the master plan". The Flying Horse Master Plan identifies the subject area as "community commercial". The proposed rezoning supports the identified and envisioned land use for the subject property.

Previous Council Action:

City Council took initial action in 2003 when the Flying Horse Ranch Addition was annexed into the City.

In 2006, Council approved a zone change to the current zoning with the conditions of record as established in Ordinance Number 06-114

Financial Implications:

N/A

City Council Appointed Board/Commission/Committee Recommendation:

At the May 10, 2023, meeting the City Planning Commission unanimously approved the rezoning request on the consent calendar. (7-0-2, with Commissioners Raughton and McMurray absent)

Stakeholder Process:

The public notification process consisted of providing notice to adjacent property owners within 1,000 feet of the site, which included the mailing of postcards to 139 property owners and posting the site with a poster prior to the Planning Commission hearing. City Planning staff received only one comment related to the development plan application concerning a use proposed off site from the property identified for the requested rezoning.

Staff input is outlined in the following sections of this report. Staff sent copies of the plan set and supporting documentation to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, Council of Neighbors and Organizations (CONO), School District #20, Police and E-911, and the United States Air Force Academy (USAFA).

Alternatives:

City Council can choose to approve to set the public hearing date, deny, or refer back to City Planning Commission.

Proposed Motion:

Adopt an ordinance amending the zoning map of the City of Colorado Springs relating to 3.53 acres located at the southwest intersection of Roller Coaster Road and North Gate Boulevard from PBC/cr (Planned Business Center with conditions of record) to PBC (Planned Business Center [to be known as MX-M (Mixed Use Medium Scale)])

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